

Feb 22

## My Take on Net Neutrality and the FCC

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*anurag singh*

*The Texas Orator* recently published a week-long discussion by Wes Dodson and Shoumik Dabir regarding the FCC's decision to repeal 2015 "net neutrality" regulations, which banned Internet service providers (ISPs) from favoring or blocking certain Internet traffic over others. If anything can be taken away from the discussion, it's that Wes and Shoumik, henceforth abbreviated to W&S, are bright, articulate men — their substantive and exhaustive analysis reflects a deep understanding of the issue from both of them. Nevertheless, a slightly less bright and articulate man wouldn't be living up to his reputation of offering unwarranted opinions if he chose not to give his two cents on the matter. That's me, in case you hadn't noticed. I'll begin by responding to specific topics brought up in the conversation and then pivot toward general comments about the FCC.

I'll skip the tedious prerequisite history lesson; W&S provide a satisfactory summary of the background surrounding the net neutrality framework. What should be noted is that the battle surrounding these rules is far from over. Unhappy state legislatures have undermined the FCC decision through a variety of ways. 22 states have joined to file a lawsuit against the FCC. Executive orders, as seen in New York and Montana, mandate ISPs that do business with state governments abide by net neutrality rules. Some states, like California and Washington, are introducing their own net neutrality laws. The legality of these moves will no doubt be challenged in state courts. On the national level, proposals in the Senate to overturn the decision have received support from trade groups representing big-wig tech companies like Amazon and Google.

Many of these tech giants have themselves filed lawsuits. It's exactly for these reasons that continued discussion regarding the rules is vital.

Wes rightly points out a common misconception about US Internet speeds — many areas still suffer from Internet speeds that do not rise to the definition of broadband, or 25 megabits per second downstream and 3 Mbps upstream. The divide is predictably rural/urban: 39 percent of rural areas lack access to 25/4 Mbps as opposed to 4 percent of urban areas. In fact, our country in general suffers from a relatively slower and more expensive Internet, not even rising to the level of the top ten internationally.

This is a serious issue. Bad broadband is correlated with lower population growth and less economic and educational development. Add to that the fact that more government services like Social Security, FAFSA, and tax-filing are moving online and the picture painted for these areas is gloomy, to say the least.

And how does this new FCC headed by Commissioner Ajit Pai, a FCC that Wes no doubt believes is committed to expanding Internet infrastructure, address this issue? Aside from trying to lower the definition of broadband to fool people into believing the problem's solved, the FCC has been publishing hagiographical reports that try to take credit for broadband deployments that began in the Obama years. So the idea that the FCC cares at all about this is hard to swallow, but more on that later.

The point Wes makes about how the net neutrality rules have discouraged infrastructure is fairly dubious, given the murky data available. Shoumik responds with the accurate point that Comcast increased spending during the Title II years and Wes parries with the point that this isn't specifically referencing broadband spending. But rather than take the ISPs' whining about the regulations at face value given their vested interest in repealing the rules, one ought to look at independent analysis, which concludes that there's no real way to tell whether the regulations did in fact limit broadband investment. So the jury's out on that one, though the claims are likely overblown. Says analyst Kevin Werbach, an associate professor of legal studies and business ethics at The Wharton School at the University of Pennsylvania: "The idea that there's a nuclear winter in broadband, or even just in rural broadband, because of the Title II classification just doesn't make sense."

Even the data the FCC itself cites works against the rural broadband boondoggle. The few case studies the FCC has provided of small ISPs allegedly burdened by these regulations are inaccurate and lack context, and the empirical analyses caution against "broad policy intervention," instead advocating for targeted solutions to specific areas.

There's a pretty ludicrous claim that Wes makes while trying to defend the repeal of the net neutrality laws. He first states that there's a "false dichotomy" being perpetuated — ISPs, he insists, aren't out to throttle

companies or consumers. According to him, “It is in the best interest of the ISPs to offer access to most of the Internet at the same speed.” This is simply not the case. It’s completely in the best interest of ISPs to discriminate against certain services. Why else would they lobby so strongly to get rid of the rules? It’s clearly a huge benefit to ISPs if they’re able to favor certain kinds of services over others; it’s no surprise, then, that they’ve tried. Many. Many. Times. There is literally a practice known as “throttling” outlawed under the net neutrality regulations, with a litany of several well-documented ISP violations.

Repealing net neutrality regulations is only one example of how this FCC is harming the health of the Internet. This is where we return to the discussion about what the FCC appears to care about.

Does the FCC care about competition or fairness? If so, why did it scrap a plan to bring competition to the cable box market so we consumers could get rid of those set-top boxes? Why is it dropping any attempt to prevent prison phone monopolies from jacking up prices for inmate calls? Why did it dismantle media consolidation rules in moves that help the giant Sinclair Broadcasting? Why is it weakening the very definition of competition itself in a move that small ISPs have decried?

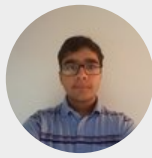
Does the FCC care about increasing coverage? Why is it pretending to ignore the serious lack of coverage by producing self-aggrandizing reports like the one cited previously? Why gut the Lifeline program, which provides subsidies for poor Americans for broadband service? Why are they helping push for the discontinuation of copper networks, which millions of Americans still rely on, without reasonable alternatives?

In case it wasn’t clear, these are rhetorical questions. It’s clear that the FCC doesn’t care about these issues; if it did, it wouldn’t be so ardently pushing the country backwards. As for what the FCC does care about, I’ll leave readers to form their own conclusions. In the meantime, I’m off to convince W&S to form an indie rock band. I can see the album covers now...

*U.S.*

[fcc, net neutrality, ajit pai](#)





## ANURAG SINGH

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